



## Monroe County Legislature

**RACHEL BARNHART**  
LEGISLATOR – DISTRICT 17

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LEGISLATOR - DISTRICT 17  
1858 EAST MAIN STREET  
ROCHESTER, NEW YORK 14609  
OFFICE: (585) 753-1940  
FAX: (585) 753-1946  
EMAIL: RACHEL@RACHBARNHART.COM

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**Via Electronic Mail**

Director Richard Tantalo  
CityPlace Building, 4th Floor  
50 W. Main Street  
Rochester, New York 14614

Director Tantalo,

This letter is concerning two openings for high-level positions in the Department of Public Safety.

**Accreditation And Compliance Manager (\$81,570 - \$112,913 annually)**

On July 9, the Legislature voted to create this position. I asked if there were identified candidates, and you replied, “We have a couple candidates we’ve been in discussion with.”

The job was posted on September 12, and I am now concerned the description and requirements have been narrowly tailored to exclude applicants who would otherwise be qualified.

The minimum requirements for the job include:

Graduation with a Master’s degree in Criminal Justice, plus eight (8) years paid full-time or its part-time equivalent experience in the rank of Captain or higher in an organized police department of five-hundred (500) or more sworn officers in the State of New York, plus two (2) years paid full-time or its part-time equivalent experience in public safety accreditation.

Yet the job description says:

This position reviews current Department-wide operations, practices, policies, and procedures against accreditation and state-wide established **Probation** standards.

If this job is primarily about probation, why are individuals with probation expertise excluded? An individual who worked for decades in probation and community corrections administration, including in Monroe County, would not be considered qualified for this position. Likewise, a professional in the fire service, emergency management, emergency communications could not be considered for this job.

**Assistant Director of Public Safety (\$93,494 - \$129,417 annually)**

This position's minimum qualifications also create the appearance of being narrowly tailored:

Graduation with a Bachelor's degree in Criminal Justice, plus ten (10) years paid full-time or its part-time equivalent experience in the rank of Captain or higher in an organized police department of five-hundred (500) or more sworn officers in the State of New York, plus two (2) years of experience working in corrections.

Here again, the job description focuses on the Department of Probation and Community Corrections, but excludes those with extensive experience in the field:

This is an administrative position in the Department of Public Safety, responsible for assisting the Director and Deputy Director of Public Safety with planning, evaluating, and overseeing projects, with an emphasis on the **Probation** division. Employees will be on call 24 hours a day and may be required to work nights and weekends. The employee reports directly to, and works under the general supervision of the Director of Public Safety. General supervision is exercised over the **Probation** Director. Does related work as required.

New York State sets standards for becoming a probation officer and leading a probation department and **having a background in law enforcement is not a requirement**. In fact, a background in social work, counseling, law, and public administration is acceptable, in addition to criminal justice. I have heard from hardworking staff of the probation unit, who are worried about not having leadership that deeply understands their work. They are concerned the department is heading toward becoming a "mini police force," which is not what attracted them to the profession and could force out good employees.

It appears these two positions are excluding many applicants who could perform this work, and that the job descriptions are potentially written for specific people. It would be further troubling if those hired must apply for 211 waivers. A 211 waiver allows a retired public service worker under 65 to collect a full-time salary and their pension, under the premise they are uniquely qualified for the job and a diligent search produced no other qualified applicants. Director Tantalo, you have had a 211 waiver. Public Safety Deputy Director George Market's waiver is up for review this week before the New York State Civil Service Commission. The way these job descriptions are written increases the likelihood a candidate will need a 211 waiver, preventing younger and/or currently employed workers from getting promotions, and adding to the ranks of "double-dippers," a practice disliked by many taxpayers.

I question whether the work product of former Fairport Police Chief Sam Farina has influenced the creation of these jobs and their descriptions. Mr. Farina has had three back-to-back contracts, each one titled "Farina Probation Accreditation Model," with each one listing the scope of services to "provide Monroe County with Probation and Peace officer related policy that can be used for operational and administrative organizational development and practice and provide documented training needs." Each of the three contracts, the first beginning in June 2022 and the last concluding in November, was for \$20,000, one dollar less than the Legislature is required to authorize. I want to know if these contracts were structured to evade legislative scrutiny, in violation of the Charter.

I request an explanation for why the Legislature did not vote on Farina's contracts after the sum exceeded \$20,000, and I would like to see Mr. Farina's work product. Because Deputy Director Markert was hired following his own consulting gig at Public Safety, I must ask if either of these

jobs was tailored for Mr. Farina and if he has applied. (He would require a 211 waiver.) I am not suggesting he is not qualified, but I am concerned about the process of creating and filling these jobs.

Trust in our government requires transparency and fairness. I am eager for a response and would welcome a meeting to discuss these issues and others relating to Probation.

Sincerely,

A handwritten signature in cursive script that reads "Rachel Barnhart".

Rachel Barnhart – Legislator District 17